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IN THE

Supreme Court of the United States

October Term, 1960.

No. 585

ISADORE BLUMENFIELD and MONTE PERKINS,
Petitioners,

v.

UNITED STATES OF AMERICA.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

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UNITED STATES OF AMERICA.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

Petitioners pray that a writ of certiorari issue to review the judgments of the United States Court of Appeals for the Eighth Circuit affirming the judgments of the United States District Court for the District of Minnesota, Fourth Division, which had adjudged petitioners guilty of violating the White Slave Traffic Act.

OPINIONS BELOW.

The opinion of the District Court has not yet been reported. It appears at page 138 of the certified transcript of original papers constituting the record on appeal in the United States Court of Appeals for the Eighth Circuit. The opinion of the Court of Appeals has not yet been reported. One copy of it constitutes Appendix A to this petition for a writ of certiorari.

JURISDICTION.

The judgments of the Court of Appeals were entered on November 15, 1960. The jurisdiction of this Court is invoked under 28 USC 1254(1) and Rule 22(2).

QUESTIONS PRESENTED.

1. Does an indictment for violating the White Slave Traffic Act meet constitutional standards and limit jeopardy as required by *Stirone v. United States* if it neither names nor describes the woman transported, although she was known to the prosecution?

2. Was the right of cross-examination denied where the United States District Court refused to permit a defendant to show by cross-examination that it was another man, rather than himself, who had committed the offenses?

3. Was the right of cross-examination denied where the United States District Court refused to permit cross-examination of the principal prosecution witness as to her relationship to persons in the Department of Justice?

4. Was due process denied where the United States District Court refused to receive evidence in support of a motion for transfer to another district?

5. In a conspiracy trial, is it proper to receive against one conspirator evidence that the other conspirator made hearsay declarations as to the first conspirator where the declarations were not made in pursuance of the conspiracy?

6. Can a conviction under the White Slave Traffic Act stand:

(a) Where a customer of a long-time prostitute was convicted of inducing her to travel in interstate commerce for the purpose of having sexual intercourse with him?

(b) Where the evidence is insufficient to support the verdicts?

CONSTITUTIONAL, STATUTORY AND PROCEDURAL RULES PROVISIONS INVOLVED.

1. United States Constitution, Amendment V:

> "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment

or indictment of a Grand Jury, . . . nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb . . . nor be deprived of life, liberty, or property, without due process of law . . ."

2. United States Constitution, Amendment VI:

"In all criminal prosecutions, the accused shall enjoy the right . . . to be informed of the nature and cause of the accusation . . ."

3. White Slave Traffic Act, 18 USC 2422:

"Whoever knowingly persuades, induces, entices, or coerces any woman or girl to go from one place to another in interstate or foreign commerce, or in the District of Columbia or in any Territory or Possession of the United States, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and thereby knowingly causes such woman or girl to go and to be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or in the District of Columbia or in any Territory or Possession of the United States, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

4. Federal Rules of Criminal Procedure, Rule 21(a):

"The court upon motion of the defendant shall transfer the proceeding as to him to another district or division if the court is satisfied that there exists in the district or division where the prosecution is pending so great a prejudice against the defendant that he cannot obtain a fair and impartial trial in that district or division."